

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07cv135**

**JAMES DAVID MOSS, MARTHA  
GEAN MOSS, AND JAMES LLOYD  
MOSS,**

**Plaintiffs,**

**Vs.**

**ORDER**

**JEFFREY N. MACKEY, Individually  
and as an Officer of the Maggie Valley  
Police Department, SCOTT SUTTON,  
Individually and as Chief of the Maggie  
Valley Police Department, MAGGIE  
VALLEY POLICE DEPARTMENT,  
TOWN OF MAGGIE VALLEY,  
BRIAN E. SIZEMORE, Individually  
and as a Deputy of the Haywood  
County Sheriff's Department, R. TOM  
ALEXANDER, as Sheriff of the  
Haywood County Sheriff's  
Department; and HAYWOOD COUNTY  
SHERIFF'S DEPARTMENT,  
HAYWOOD COUNTY,**

**Defendants.**

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**THIS MATTER** is before the court on defendants' Motion for Summary Judgment (#49). In conducting a preliminary review of such motion, the court cannot find in the record the required "Mediator's Report of Outcome," which is required to be filed within seven days of the conclusion of the Mediated Settlement Conference. L.Cv.R. 16.3(C)(3). The deadline for completion of mediation was April 15, 2008, making such report due not later than April 22, 2008. Unless counsel can point out

where such exists in the record, or show good cause for its late filing, the parties will be heard on the Motion for Summary Judgment on the first day of trial, which is scheduled for the first civil session in September 2008. Having considered defendants' motion and reviewed the pleadings, the court enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that consideration of defendants' Motion for Summary Judgment (#45) is **STAYED** pending full compliance with the Pretrial Order.

Signed: May 30, 2008

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Dennis L. Howell  
United States Magistrate Judge

